Fax

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Date: 1/31/2006
Subject:

Comments:

HI Donna!!! Here it is
Wilma Stokes RE: ltr May 2005 to
Files - constitution + By-laws. Also requested
cover letter.
Phone 874-3481

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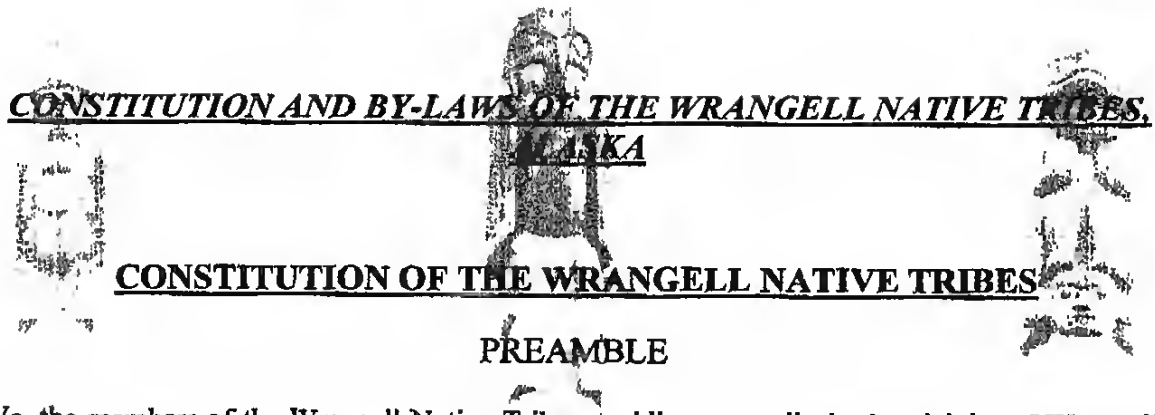

CONSTITUTION AND BY-LAWS OF THE WRANGELL NATIVE TRIBES, ALASKA

CONSTITUTION OF THE WRANGELL NATIVE TRIBES

PREAMBLE

We, the members of the Wrangell Native Tribes, residing generally in the vicinity of Wrangell, Alaska, having a common bond of residency and inherency, by this Constitution, assert our freedom as a sovereign people in a dependent association with the United States of America. As such, and in order to promote the common welfare, establish a more perfect tribal government, to preserve and exercise the Tribe's inherent sovereign rights and powers, to conserve and develop tribal lands and resources pursuant to tribal law and custom, and to establish justice, in accord with Federal law, do hereby create for ourselves this Constitution of the Wrangell Native Tribes by authority of, the Act of Congress of June 18, 1934 (48 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250); by Public Law 100-581, (102 Stat. 2938, of November 1, 1988, codified at 25 USC 476), and be retained inherent authority. This Constitution supersedes the Constitution ratified on February 27, 1947, and the amendment ratified February 8, 1951.

ARTICLE I – TITLE

The name of this tribe is the Wrangell Native Tribes, hereinafter called the Community.

ARTICLE II – TERRITORY AND JURISDICTION

Section I. Territory. The territory of Wrangell Native Tribes extends from the central part of the town of Wrangell to the outermost markers, boundaries, and territory or traditional use and occupation by its tribal members. It includes lands, houses, public buildings and any other dwellings or structures thereon belonging to the individual tribal members or to the tribal government, and such other territory as may hereafter be added thereto.

The territory includes airspace above the described territory as well as subsurface below. It includes waters and minerals found in the air, ground, rivers, streams, and coastlines to the legal extent permissible with other nations, states and territories but including at least twelve miles off the coast.

Section 2. Jurisdiction.

(a) **Territorial.** The territorial jurisdiction of the Wrangell Native Tribes is coextensive with the territories delineated in Section 1 of this Article. The territorial jurisdiction includes, but is not necessarily limited to, all territory which is defined by reference to federal law as "Indian Country", or "reservation", or "on or near a reservation".

(b) **Legislative and Governing.** The legislative and governing jurisdiction of the Wrangell Native Tribes is derived from the inherent sovereign rights of the membership and extends to governance over all territories, members, and subject matters otherwise subject to the provisions of this Constitution.

(c) **Personal.** Personal jurisdiction extends over all tribal members, their lawful descendents or heirs, and over any other persons submitting themselves to the applications of the laws of this government. A person will be deemed to have submitted themselves to the personal jurisdiction of the Wrangell Native Tribes government if minimum contacts of residence, business or personal contacts, or the injurious effects of such contact, are sufficient to satisfy the extension of the requirements and provisions of this Constitution and laws of the Wrangell Native Tribes government. Personal jurisdiction is not limited to inclusion within the territorial jurisdiction bounds. It includes, but is not necessarily limited to personal jurisdiction over tribal members' interests under the Indian Child Welfare Act, 25 USC 1901 et.seq. and under other applicable federal law.

(d) **Subject Matter.** The subject matter jurisdiction of the Wrangell Native Tribes shall include all matters which concern and touch the lives of individual tribal members, and those of the Village Community as a whole, and which involve at least minimum contacts with these members or community. Subject matter jurisdiction is not subject to territorial jurisdiction.

(e) **Exclusive and Concurrent Jurisdiction.** Exclusive jurisdiction may be exercised by the Wrangell Native Tribes over any territorial, legislative and governance, personal, and subject matter jurisdictional areas which are not otherwise prohibited by applicable and legitimate federal laws, or extensions thereof, or areas in which the Wrangell Native Tribes government specifically and expressly agrees to waive exclusive jurisdiction. Concurrent jurisdiction may be expressed with other state or tribal governments when legally appropriate under applicable law or agreement.

ARTICLE III – MEMBERSHIP

Section 1. Membership. The membership of this Community shall consist of:

(a) **Original Members.** All persons, whose names appeared on the original census roll, prepared in accordance with the instructions of the Secretary of the Interior; and

(b) **Other Adult Members.** All descendants of original members or other adult members who have not otherwise lost their membership. Other Indian, Alaska Native, or indigenous Native persons of the Americas, who properly apply for and are adopted into Membership pursuant to an enrollment and adoption ordinance, may become members.

(c) **Eligibility/Entitlement.** These original and other adult members shall be eligible to vote while maintaining permanent residency in the Community of Wrangell, Alaska, or the neighborhood thereof. Upon registration to vote, they shall be included on the rolls of those qualified and entitled to vote on amendments to this Constitution, and other tribal issues not delegated to Council representatives.

Section 2. New Members.

(a) **Resident Children.** All children of any member, while residing in the neighborhood of Wrangell, shall be non-voting members of the Community. Such children shall automatically become eligible voting members upon reaching 18 years of age.

(b) **Reaffiliation of Members after Childhood Non-Residency.** All children, or other persons, who are descendents of members, or prior members, who have been moved or been removed from the Community while minors under the age of 18, shall be eligible for tribal membership upon a statement of desire to reaffiliate filed with the Council on their behalf either by themselves or by another tribal member and which may be filed either before or after reaching the age of 18. if they are reaffilitated before age 18, they shall be non-voting members until age 18, and if reaffilitated after age 18 they shall be eligible for voting membership immediately, and entitled to vote upon registration.

Section 3. Definition of Resident.

(a) **Geographic.** Any person shall be considered a resident of the neighborhood of Wrangell who maintains a home in Wrangell, or in any area in the vicinity of Wrangell, which may be reserved or otherwise acquired for the use of this Community, or which has been traditionally used by members for use and occupancy.

(b) **Residency/Membership.** Temporary absences shall not constitute loss of residence for membership purposes, membership shall remain vested in the member of their descendants until relinquished, forfeited, or otherwise lost pursuant to conditions which may be prescribed in an ordinance. An enrollment and membership ordinance shall provide for the length and nature of the absence necessary for an automatic deferral of membership status to that of a non-resident, non-voting member, and the conditions for reinstatement to a qualified voting member, not inconsistent with the provisions of this Constitution.

Section 4. Loss of Membership, Reinstatements.

(a) Any member may give up membership at any time upon written notice to the Secretary of the Council, in which case they shall no longer share in the activities and benefits of voting as a full member of this Community, but they maybe reinstated as a voting member upon written application filed with the Secretary of the Council and a

majority vote of the qualified voting members of the Community at any regular meeting.

(b) Any member who, after notice and an opportunity to present a defense, is found guilty by the Community of fraud or misconduct in their relations with the Community, or of working deliberately against the interests of the Community, may be expelled by a two-thirds vote of the qualified voting members present at any regular or special meeting. A person so expelled may be reinstated as a member upon written application filed with the Secretary of the Council and a two-thirds vote of the qualified voting membership present at any regular meeting.

(c) **Appeals.** Any person may appeal a denial of reinstatement to a tribal court of competent jurisdiction

Section 5. Rule-making Power. The Council shall have the power and authority to duly enact laws to carry out the provisions of this Article, and, provide by ordinance for the enrollment and adoption of new members or the loss or reinstatement of membership not otherwise dealt with herein.

ARTICLE IV – THE COUNCIL

Section 1.

(a) **Name of Governing Body**. The governing body of this Community shall be the Wrangell Native Tribes Tribal Council, hereinafter called the "Council".

(b) **Composition of the Council.** The Council shall be composed of eight members, who are Community members over the age of 18 years, elected by the qualified voting voting members of the Community.

(c) **President of Council.** The President shall be elected annually by the Council from within its membership to serve for a term of one year.

Section 2. Functions of Council. The Council shall represent the Community in all its undertakings and shall exercise the powers of the Council enumerated in this Constitution. It shall be the duty of he Council to report its activities and the state of affairs of the Community at each regular meeting of the Community, at which time the Community members may submit petitions or initiatives for action, vote of referendums submitted by the Council, and exercise all other inherent or constitutional rights of the tribe guaranteed under federal and tribal law.

Section 3. Elections.

(a) **Community Nomination and Quorums.** Nominations for office shall be made at a special membership meeting to be called by the Council and held at least one week prior to regular election meeting on the first Thursday in February of each year. Any of the qualified voting members of the Wrangell Native Tribes may make nominations and vote to determine the candidates for election to the Council. Thirty percent of the qualified voting voting members of the Wrangell Native Tribes shall constitute a quorum for elections.

(b) **Election.** All elections shall be by secret ballot and shall be held on the first Thursday in February, or on such other annual election date as may be fixed by law. The winning candidates shall have received a plurality of the votes of the eligible voting members.

(c) **Notification of Winning Candidates.** It shall be the duty of the Secretary to notify each person of their election within five days thereof.

Section 4. Council Term, Vacancies.

(a) Council members shall serve for a period of two years or until their successors are elected and qualify.

(b) The Community shall elect 4 board members on the A lot even years the other 4 board members on the B lots Odd years.

(c) Vacancies may be filled by the Council for any unexpired term but only pending the next meeting of the Wrangell Native Tribes when a new Council member shall be elected to fill the unexpired term.

Section 5. Officers of Council. The Council shall organize itself within thirty days after each annual election date by electing from within or without its membership, a Secretary, a Treasurer, and such other officers it may deem necessary. Officers elected from without the Council shall not vote therein.

Section 6. Council Meetings, Quorum. The Council shall meet each month on a date and place to be fixed by action of the Council, and at such other times and places as may be designated by action of a majority of the Council or by the chairman. A quorum to transact business shall consist of 5 members = 4 voting with the President or presiding officer abstaining unless by tie or secret ballot To be effective, at least four (4) Council members shall vote on all actions. The Council shall keep a complete and accurate record of all proceedings, including reports of actions taken at every meeting.

Section 7. Removal of Council Members

(a) Any member of the Council, or other officer of the Community, who is convicted of a felony or any offense involving dishonesty shall forfeit his office.

(b) Any member of the Council, who has 3 unexcused regular meetings of the Council for a period of three months without cause or excuse, may have his seat declared vacant by the Council, after notice and opportunity to be heard, whereupon the Council shall fill the seat as any other vacancy.

(c) The Council person must contact President or Secretary before meeting to be excused.

(d) Upon a petition signed by thirty percent of the qualified voting members of the Community asking the recall of any member of the Council, the Council shall call a special meeting of the Community to vote upon the recall. If the Council member is recalled, the Community members shall proceed to elect his successor to fill the unexpired term.

Section 8. Actions of the Council

(a) **Open Meetings, Types of Actions**. All ordinances, resolutions, referendums, initiatives, motions and recall petitions shall be acted upon by the Council by a vote at a meeting which is open to the public. An ordinance shall take effect only after being posted in a public place for thirty (30) days after its adoption by the Council. In the event emergency actions are necessary, a Resolution of appropriate action shall be used to resolve the emergency, to be effective only until such time as possible for an ordinance enactment by public notice. All enacted ordinances shall be made available for public inspection at the Community tribal office.

(b) **Conflict of Interest**. No Council member shall vote on any matter before the Council in which they have a personal interests or which will benefit themselves, including but not limited to, employment contracts, project funding and appointments for themselves or other close relatives or significant other relationships whether personal or business, upon declaration by a Council member of a possible conflict-of-interest, the remaining Council members shall determine if it is appropriate for that Council member to remain as part of the discussion regarding the conflicting issue, even though abstaining from a vote.

(c) While serving as a Council member no Council member, a member of the Councils immediate family or Council members significant other shall be employed by the Council.

(d) No Council member shall speak on behalf of the Council without the Councils approval

ARTICLE V – POWERS.

Section 1. Powers. The Council shall exercise the following powers by appropriate motion, resolution or ordinance:

(a) **Legal Counsel.** To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, or funding sources, only so far as required by federal law or applicable funding sources.

(b) **Economics, Other Activities.** To manage and control all the Community economic affairs and enterprises, engage in any business, tribal economic development enterprises, or any other activity of any nature which is not inconsistent with this Constitution, and otherwise provide for the benefit of the tribal members.

(c) **Enrollment and Elections.** The Council may provide procedures by resolution or ordinance governing elections, the membership, to assure that enrollments and elections are conducted fairly, efficiently, and in accord with current tribal requirements.

(d) **Negotiations.** To negotiate with other governments, agencies, organizations and persons on behalf of the Community and especially to confer and negotiate with representatives of the Interior Department on all activities of the Department that my affect the Community so long as necessary and appropriate under federal law or benefits.

(e) **Collections.** To levy dues, licensing or other fees, assessments, taxes, and fines on the tribal members, or lessees, business contractors, or other nonmembers, for the use of the properties or significant services of the Community and to provide for the collection thereof. No such levy shall be effective until ratified by majority vote of the qualified voting members present at any regular or special meeting of the Community.

(f) **Council Procedures, Vacancies.** To provide for filling vacancies in office and to regulate the internal procedures of the Council consistent with this Constitution.

(g) **Care of minors, Incapacitated Individuals, Access.** To provide for the protection and guardianship of the persons and property of minors and other incapacitated individuals and to appropriately empower the same to the maximum extent possible by access to all applicable, feasible, and appropriate resources, services and laws.

(h) **Licenses, Charters, Regulations.** To organize or to charter, license or register associations of its members for economic or other internal domestic purposes for the well-being of members of the Community, and to regulate the same.

(i) **Council Consent, Public Trust.** To prevent the sale, disposition, lease, or encumbrance of any land, interest in land or waters, or other assets of the Community, without the consent of the Community. Any proceeds which result from such sale, disposition, lease, or encumbrance of public properties shall be used for a Community purpose in accord with the public trust.

(j) **Justice, Law, Order, Tribal Courts**. To provide for the maintenance of law and order and the administration of justice, including to establish the operations of appropriate tribal customs and law, as well as jurisdictional issues involving other governments and jurisdictions of federal, state, inter-tribal, and intra-tribal territorial, personal, and subject matter jurisdictions as well as whether exclusive or concurrent jurisdictions exist.

(k) **Health, Education, Welfare, Access.** To promote and protect the health, education and general welfare of the members of the Community, and to administer and provide access to such charitable or other services as will contribute to the general and individual social and economic enhancement of the Community and its members.

(l) **Culture and Traditions.** To cultivate the Native arts, crafts and culture of the Community.

(m) **Property, Lands, Resources, Assets Management.** To protect and preserve tribal property, wildlife, and natural resources, and to manage, lease, exchange, acquire, or otherwise deal with tribal properties for sustained yield and highest and best use of the same. Land areas of the Community may be assigned for the use and occupancy of Community members in accordance with the customs or the law of the Community.

(n) **Fund Administrations.** To administer any funds within the control of the Community following standards of public fiduciary duties towards the funds an tribal beneficiaries. Such funds shall be administered to provide generally acceptable accounting and prudent business practices.

(o) **Subordinate Boards.** To authorize or direct subordinate boards, committees or tribal officials, to administer the affairs of the Tribe and to carry out the directives of the Council.

(p) **Peace, Safety, Welfare.** To safeguard and promote the peace, safety, morals, physical and general welfare of members of the Tribe.

Section 2. Necessary and Proper Powers. The Council may exercise such further powers as may be necessary and proper, by appropriate procedures, in order to give effect to any provision of this Constitution.

Section 3. Reserved Powers. All rights and powers not delegated to the Council in this Constitution are reserved to the tribal members and may be exercised by the members of the Community through the adoption of amendments to this Constitution, by initiative, referendum, or recall procedures consistent with other provisions of this Constitution.

ARTICLE VII – BILL OF RIGHTS

Section 1. Free Exercise. The Community shall not make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances.

Section 2. Constitutional. The Community shall not restrict or in any way abridge the rights of the members of the Village/Community guaranteed under the United States Constitution, other than those excepted as an exercise of tribal governmental sovereignty, otherwise the Community shall maintain and preserve the members' full constitutional rights thereunder.

Section 3. Personal Security, Search & Seizures, Probable Cause. The Community shall not violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized

Section 4. Double Jeopardy. The Community shall not twice subject any person to be placed in jeopardy for the same offense.

Section 5. Self-Incrimination. The Community shall not compel any person in any criminal case to be a witness against himself.

Section 6. Public Takings. The Community shall not take any private property for a public use without just compensation.

Section 7. Speedy Trial, Information, Confrontation, Subpoenas, Counsel. The Community shall not deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense.

Section 8. Bail, Excessive Fines, Punishments. The Community shall not require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of twelve (12) months or a fine of $5,000.00 or both.

Section 9. Equal Protection, Due Process. The Community shall not deny to any person within its jurisdictions the equal protection of its laws or deprive any person of liberty or

property without due process of law. All members of the Community in good standing shall be accorded equal right and opportunity to participate in and enjoy the resources, property, and benefits of the Community.

Section 10. Attainder & Ex-Post-Facto. The Community shall not pass any bills of attainder or ex-post-facto law.

Section 11. Trial by Jury. The Community shall not deny to any person accused of an offense which is punishable by imprisonment to the right, upon request, to a trail by a jury of not less then six persons.

Section 12. Rights Reserved to the Tribal Members. All rights not expressly granted to the Council by this Constitution are reserved to the people. They may be exercised by adoption or an amendment to this Constitution, an initiative, a referendum, or Constitution. Initiatives may be submitted to the Council via a petition to be approved by thirty percent of the eligible voting membership to be valid. Referendums may be considered and adopted by a vote of the majority of a quorum of the eligible voting membership to be valid. Referendums may be considered and adopted by a vote of the majority of a quorum of the eligible voting membership at any Community meeting. A recall may be initiated by a petition signed by thirty percent of the voting membership. There shall be a limit of one official per petition.

Section 13. Right to Vote at 18. All members of this Community over the age of eighteen, (18), years shall have the right to vote.

ARTICLE IX – AMENDMENTS

Amendments to this Constitution and By-Laws may be proposed by resolution of the Council or of the Community. The amendments shall be effective when ratified by a majority vote of the entitled voting members of the Community voting at a special election called for the purpose by the Secretary of the Interior pursuant to prescribed procedures, provided that at least a Quorum present of those entitled to vote shall vote, and provided that the results are certified by the Community Electoral Board, and are submitted to the Secretary of the Interior for approval, or deemed approval. In the event that subsequent Secretarial approval or disapproval is not given within 45 days to a ratified Amendment, or this Constitution, it shall be deemed as approved and effective, pursuant to Public Law 100-581, codified at 25 USC 476 (d) (2). The legal effectiveness of amendments shall be subject to Secretarial procedures or approval only so long, and to the extent, required by federal law.

BY LAWS OF THE WRANGELL NATIVE TRIBES

ARTICLE I – DUTIES OF OFFICERS

Section 1. President. The Council shall elect a President, who shall preside over all meetings of the Community, exercising the usual, and other delegated duties of a Chairperson and any others delegated to him. The President may vote in Council meetings only in case of a tie or where the vote is by ballot.

Section 2. Vice-President. The Council shall elect a Vice-President who shall act as President in the absence or disability of the President.

Section 3. Secretary. The Secretary shall conduct all correspondence and keep a complete and accurate record of all business transacted at meetings. The Secretary shall record all actions taken at meetings, index the same and assign short titles for official actions when not prescribed within the language of the action. It shall be the Secretary's responsibility to give notice of all meetings and elections and to publish results of same.

Section 4. Treasurer.

(a) **Funds & Reports.** The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether Council funds or other funds for which the council is responsible. The Treasurer shall deposit all such funds as directed by the Council. The Treasurer shall make and preserve a faithful record of all such funds and shall report to the Council all receipts and expenditures as well as the amount and nature of all funds in custody, deposit, or possession. The Treasurer shall not pay out or authorize disbursement of any funds expect upon written authorization of the Council.

(b) **Audits, Inspections.** The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council, or at such other times as the Council shall direct. The Treasurer shall keep all financial records available for inspection by any member of the Community or for audit and inspection at reasonable times by representatives of the Bureau of Indian Affairs, or other funding sources.

(c) **Bonds, Treasurer's Presence.** The Council may require the Treasurer to give a satisfactory bond. The Treasurer, or an assistant appointed with advice and consent of the Council, shall be present at all special or regular meetings of the Council to report on the status of all funds.

(d) **Definition of Duties.** The duties of all officers or agents shall be clearly defined by a resolution or ordinance of the Council prior to elective office, or may be defined at the time of appointment for special appointments.

ARTICLE II – QUALIFICATIONS OF OFFICERS

Section 1. VOTER, EXCEPTIONS. Only qualified voters of the Wrangell Native Tribes are eligible to be candidates for an elective office. Exceptions are those Council officers who may be elected by the Council members to fill an office which may be a non-voting office if the officer selected is from outside the elected Council.

ARTICLE III – INSTALLATION OF OFFICERS

Each person appointed or elected to an office shall subscribe to the following oath of office before entering upon the duties thereof:

"I _____, do solemnly swear (or affirm) that I will support and defend the Constitutions of the United States and the Wrangell Native Tribes against all enemies; that I will carry out faithfully and impartially the duties of my office as _____ to the best of my ability; that I will promote and protect the best interests of the Wrangell Native Tribes, in accordance with its Constitution and By-Laws.

ARTICLE IV – THE COUNCIL'S ORDER OF BUSINESS

Section 1. Order.

The following shall be the order of business unless changed by or with the consent of Council, namely:

Call to order by President;
Roll call;
Announcement of quorum;
Reading of minutes of last meeting;
Correction on approval of minutes of last meeting;
Treasurer's report;
Report of committees;
Unfinished business;
New business;
Adjournment;

Section 2. Rules of Order. The Council may select their own Rules of Order, but when there is no selection; Robert's Rules of Order shall be the law governing the procedure of the Council.

Section 3. Resolutions. Every resolution, after the explanatory clauses, shall begin with the words: "Be it further resolved by the Council of the Wrangell Native Tribes"

ARTICLE V – MEETINGS OF THE COMMUNITY

Section 1

(a) **Regular Community Meetings**. Regular meetings of the Community shall be held twice a year on the second Wednesday in October and the third Wednesday in April of each year.

(b) **Special Meetings**. **Special meeting may be called at any time by the council or can be called by petition of thirty percent of the voting members of the native community members.**

(c) For such meetings reasonable written notice must be given.

Section 2. Quorum. A minimum of 10 voting tribal members shall constitute a quorum this includes the board members.

Section 3. Place. Meetings shall be held at the principal place of business unless otherwise ordered by resolution of the Community, or otherwise specified in the notice of a special meeting.

ARTICLE VI – DEFINITIONS

Section 1. Where the masculine pronoun is used it shall be understood to include the feminine.

Section 2. The term "Indian" as used in this Constitution and By-laws shall be understood to include Eskimo natives.

Section 3. The word "adult" means a person who is eighteen years of age or over

ARTICLE VII – SAVINGS AND SEVERABILITY

Section 1. Savings. All enactments and official acts of the Wrangell Native Tribes promulgated or adopted prior to the effective date of this Constitution shall remain in full force and effect to the extent they are not inconsistent with any provision of this Constitution. In the even of any conflict with this Constitution, the provisions of this Constitution shall control.

Section 2. Severable. The provisions of this Constitution are severable, and should any provision of the Constitution be determined by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other provision of this Constitution.

Section 3. Incompatibility. All rules and regulations heretofore promulgated by the Department of the Interior, so far as they may be incompatible with any of the provisions of the Constitution. Will be inapplicable to the Wrangell Native Tribes from and after the date

of adoption of this Constitution. All officers and employees of the Department of the Interior are bound to abide by the provisions of this Constitution.

ARTICLE VII – CERTIFICATION OF AMENDMENTS

Section 1.

(a) **Certificate of Election Results.** The Election Board shall formally certify and submit for approval, to the Secretary of the Interior, the results of a special election called for the purpose of ratifying amendments to this Constitution and By-laws, pursuant to Secretarial procedures provided, however, that such submission of results for approval shall be necessary only so long as required under federal law.

(b) **Effectiveness.** Amendments shall be effective after ratification, certification, and Secretarial approval. Ratification shall be effective, when a majority vote of a quorum present entitled to vote, vote affirmatively, and at least a quorum of those entitled to vote, do actually vote. Certification is effective when ratification is formally certified by the Election Board and submitted to the Secretary. Approval by the Secretary is effective when expressly approved, or when deemed approved after 45 days without Secretarial disapproval. These procedures and approval for effectiveness shall apply to amendments only so long, and to the extent, required under federal law.

Tribal Election Ordinance

01.010 Title and Purpose

This ordinance shall be known as the Election Ordinance of the Wrangell Native Tribes of January 24, 2005. Its purpose is to regulate conduct of the 2005 Annual Tribal Council Election, as required by Article IV, Section 1 of the Constitution and Bylaws.

02.010 Time and Place

The 2005 Wrangell Native Tribes Election shall be held February 3rd, (First Thursday of February) between 10:00 a.m. to 6:00 p.m.

03.010 Council and Officer Positions

A. The governing body of the Wrangell Native Tribes shall be elected by the qualified voters of the Tribe.

B. The governing body under this constitution is composed of one (1) Chairman, one (1) Vice-Chairman, one (1) Secretary, one (1) Treasurer, and four (4) Councilmen.

C. The Officers and Councilmen provided for in Article III Section 2 of the constitution shall be elected for two (2) year terms of office and/or until their successors are duly installed into office.

04 Election Board and Duties

04.010 Election Board Superintendent

The Tribal Council shall appoint and swear in the Election Board Superintendent at the first regular meeting of January. The Superintendent shall have the power to appoint two (2) Ballet Clerks, two (2) assistants and two (2) Poll Watchers (poll watchers may be tribal-policeman). The Superintendent and two (2) Ballot Clerks must be tribal members.

The two (2) poll watchers will be on duty only the day of the election. The Election Board, Assistants and Poll Watchers must be over twenty-one (21) years of age.

04.020 Election Board Authority

The Election Board is hereby authorized to administer and conduct the election. The Election Board is the Superintendent and two (2) Ballot Clerks. Two (2) members of the Election Board shall constitute a quorum. The Election Board shall act by a majority vote. The Election Board, Assistants and Poll Watchers shall be clearly identified at the Polling Place.

04.030 Election Board Duties

The Election Board Shall:

1. Administer and conduct elections in a manner that will insure fair and honest elections, using our Constitution and Bylaws and Election Ordinance as guidelines.
2. Prepare informative election material in a manner that informs without recommending.
3. No names of candidates on sample ballots.

The address for the Elections is PO Box 868. Telephone numbers are (907) 874-2793 and (907) 874-3481.

05 Publication and Notice by Mail

05.010 Notice of Election

The Election Board shall publish notice of election no later than the January 31 as follows:

1. Copies of this ordinance, an alphabetical list of eligible voters, and context of Election shall be posted at the following places:
   a. Tribal Offices
   b. Post Office
   c. Native Organizations

2. Copies of the ordinance shall be available to interested voters upon request.
3. Copies of Context of Election shall be published in the Tribal newsletters and Local newspaper as selected by the Election Board.

06 Candidates

06.010 Qualifications

Any qualified Tribal voter over the age of twenty-one (21) and resident of Wrangell for one (1) year according to Article IV of the Constitution may seek election to these positions. The constitution also forbids two (2) members of the same household from running in the same election. No person shall be a candidate for more than one (1) position on the Tribal Council.

06.020 Petition Form (Declaration of Candidacy)

Persons seeking candidacy must pick-up and return petition forms from the Tribal Center before the Close of Business (4:30 p.m.) January 31st.

Certificate of Declaration (Declaration of Candidacy) shall be signed by every candidate.

06.030 Receipt of Petitions

The Tribal Secretary or designate must place the time and date when he/she receives the petition and signs such petition, then gives a copy to the candidate. The Tribal Secretary turns over all petitions to the Election Board Superintendent at 4:30 p.m. January 31.

06.040 Certification of Candidacy

Seven (7) days after the closing day or as directed, the Election Board shall determine whether all applications meet the age and membership requirements, and accordingly certify or deny certification as to each candidate applicant. Persons denied certifications must be so notified in writing by certified in mail seven (7) working days to appeal; the appeal must be submitted in writing to the Tribal Secretary. The Tribal Secretary arranges for a special meeting or places the appeal on the agenda for the next regular Council meeting. The Tribal Council shall be the sole judge of the qualifications of its own members.

No member of the Election Board shall be certified as a candidate unless he/she resigns from the Board one month prior to elections.

06.050 Official list of Candidates

After appeal hearing closing date, eligible voter list and official list of candidates and positions they are seeking will be placed in newsletters and a special flyer that is to be mailed to each eligible voter. Candidates shall be listed with incumbents first and others in alphabetical order.

07.010 Ballot Preparation

When possible after the closing date set in section six (6) of this Election Ordinance, the Election Board shall prepare an official ballot for printing or copying which clearly identifies all candidates certified by the Board and Council. The same number of official ballots shall be prepared as the number of eligible voters contained on the most recent eligible voter's list, plus reasonable surplus for use as samples or replacements. All ballots shall be sequentially marked in blue ink with a number placed on the ballot in such a way that it shall be cut off along a marked line at the time the ballot is given or mailed to the voter. All ballots shall be marked for folding to insure a secret ballot. Sample ballots shall be marked as "SAMPLE BALLOT." No ballot shall be marked, formed or cut as to all identification of its user after submission for ballot counting.

08 Voters, Voting and Procedures

08.010 Voters

All enrolled tribal members as defined in Article II of the Wrangell Native Tribes Constitution and Bylaws, twenty-one (21) years of age and older on Election Day shall be

eligible to vote. The Election Board shall prepare an eligible voter's list containing the such persons and post it at the Tribal Office close of business on January 31st. Persons excluded from this list shall have seven (7) working days to appeal to the Tribal Council in writing.

The Tribal Council, after a hearing, shall affirm the Board's the decision or order their inclusion or exclusion of voters when possible after the end of the seven (7) working day deadline. Any additions or deletions to the eligible voter's list shall be posted no later than the February 2nd. The decision of the Tribal Council shall be final.

You must be enrolled by February 2nd. No more enrollment actions will be taken after that date, until after the election has been completed.

08.020 Voting

All voting for Tribal Council positions shall be by secret ballot. Each voter may vote only once in each election. Only official ballots properly marked shall be counted. If on any ballot more then one vote is cast for a specific Council position, the voter for that position shall only be nullified. Written comments on the ballots shall nullify a vote for that position.

08.030 Voting Procedures

1. Eligible voters desiring to vote in person must:

   a. Appear at the Tribal Center between 10:00 a.m. and 6:00 p.m. February 3, 2005
   b. Announce his/her name to a member of the Election Board and may be required to show proof of identification.
   c. Sign the voters' list opposite his/her name and address and be marked thereon as voting by ballot number.
   d. Obtain a ballot from the Election Board, with number being removed while being observed by voter.
   e. Take the ballot into an enclosed and private area as provided by the Election Board.
   f. Vote for no more then one candidate for each position shown on the ballot
   g. Fold the ballot to conceal its contents.
   h. Upon return of the ballot, the voter places such ballot in a sealed, secure ballot box.

09 Elections

09.010 Supervision of Election

No less than two (2) members of the Election Board shall be present at the voting place at all times. Two (2) members shall constitute a quorum for all action required. During the election, one (1) poll watcher is to be present at the voting area.

09.020 Electioneering

No person shall solicit, secure of influence voters by any means within 300 feet of polling place during voting hours.

09.030 Assistance to Voters

Upon request disabled and bed bound individuals shall have the opportunity to cast a vote by having a ballot delivered to them. The vote shall be sealed within two (2) sealed envelopes. The ballot shall be delivered by one (1) Ballot Clerk and one (1) other individual of the Election Boards choosing.

09.040 Ballots

At the close of the polls on Election Day all unused official ballots shall be kept for documentation by the Election Board. The Election Board shall take the ballot box, sequester itself in a private area, open all ballots and compute the vote with the utmost care. Every precaution shall be taken and every method used within reason that will insure an accurate count. On the evening of the election, after completing the counting, the Election Board shall notify anyone waiting for the results and shall also post voting results on the door or outside area of the polling place. The Board shall be ascertain that all ballots have been received and certify the winners in writing to the Tribal Chairman.

09.050 Certification

The names of the winners will be listed and said list will be signed by the Superintendent of the Election Board and the Chairman of the Tribal Council.

10 Post-Election Procedures

10.010 Retention of Ballots

After balloting has been completed and made official all ballots shall be placed in the ballot box and locked up in the bookkeeping storage room. All ballots shall be retained at the Tribal Office until the next regular election.

10.020 Recounts

Any candidate may, by written request, obtain a recount when in the opinion of the Election Board a vote is so close as to justify a recount.

10.030 Protests

Any person, within a period of three (3) working days following he election day, may protest the election, in writing to any member of the Election Board. The Election Board shall meet within three (3) working days to consider such protests, grant the protesting party a hearing at

the meeting, if requested and decide by formal resolution whether a new Election or other action is necessary. The Election Board has ten (10) working days to answer in writing to the person making the protest. A copy of this decision shall be given to the Tribal Secretary and the Bureau of Indian Affairs. Errors of a purely technical nature, which in the opinion of the Election Board do not call the validity of the election into question, may be waived by a majority vote of the Election Board. The Board must use common sense and best judgment.

10.040 Transfer of Property

The outgoing Tribal Officers shall be responsible for delivering or accounting for all Tribal documents and equipment in their possession to the Tribal Chairman within seven (7) working days following the valid election.

11 Installations of Council Members

11.010 Oath of Office

Newly Elected members who have been duly certified shall be installed thereafter at the next regular meeting of the Tribal Council. Each newly elected member shall subscribe to the following oath:

> I, __name__ do solemnly swear [or affirm] that I will support and uphold the Constitution of the United States and the Constitution and Bylaws of the Wrangell Native Tribes of the State of Alaska. That I will in all respects faithfully and fully perform the duties of my office of __position__ for the Wrangell Native Tribes, so help me god.

12.010 Construction, Severability and Amendment

This ordinance is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was created.

If any provision of this ordinance, or its application to any person or legal entity or circumstance, is held invalid, the remainder of the entities or circumstances shall not be affected.

The Wrangell Native Tribes reserves the right to amend this ordinance as needed.

Enrollment Ordinance

General Provisions

Section 1 Title and Purpose

This Ordinance shall be known as the Wrangell Cooperative Association Tribal Enrollment Ordinance of January 24, 2005. This Ordinance is enacted pursuant to authority outlined in Article II – Membership of the Constitution and By-Laws of the Wrangell Cooperative Association, Alaska and is intended to provide for the preparation of the Tribal Roll and supplements.

Section 2 Base Roll

A. All persons whose names appear on the roll prepared by the Constitution and Charter Committee in accordance with the Instructions of the Secretary of the Interior for Organization in Alaska, being all the Indians residing in the neighborhood of Wrangell.

B. All Children either of who parents is a resident of the neighborhood of Wrangell.

Once final corrections are made to the Base Roll it shall not be altered in any way.

The Base Roll shall be separate from the Current Membership Roll.

Section 3 Current Membership Roll

Means the Base Roll and the Supplement Roll taken together.

All persons that can demonstrate Native ancestry shall be eligible for membership provided them:

1. Reside permanently within the neighborhood of Wrangell
2. Make application for membership on forms prescribed by the Council.

The Current Membership Roll dated 4/2004 is hereby approved.

Section 4 Enrollment Regulations and Rule-Making Authority

The Tribal Enrollment Committee shall recommend adopting appropriate regulations governing its procedures under this ordinance and submit them to the Tribal Council for approval before carrying out. The Tribal Council shall have authority to approve rules and regulations to carry out this ordinance.

Section 5 Enrollment Procedures

A. No person shall be enrolled in the tribe who has not applied for membership according to the provisions of this ordinance and any regulations adopted hereunder.

B. Applications for membership shall be submitted in writing to the Tribal Enrollment Committee and must be accompanied by a birth certificate or other official documents showing the name of the applicant, date and place of birth, and names of parents. The applicant shall submit any other information requested by the Tribal Enrollment Committee for the purpose of determining his or her eligibility for membership.

C. To be eligible for membership the applicant must provide proof of Indian blood, as stated under Article II Membership, Section 2, Section a.

D. With the recommendation from the Tribal Enrollment Committee for approval, the Tribal Council at any regular or special meeting, which a quorum is present, shall consider applicants accepted into membership based on the Tribal Enrollment Committees recommendation. A resolution shall be processed for each approved application.

Section 6 Review of Tribal Rolls/Relinquishment

A. The Tribal Council has the right to review the Tribal Membership Roll assuring all members are enrolled properly.
B. The Tribal Council may direct the Tribal Enrollment Committee or any other committee it may appoint to conduct such a review.
C. Any member may relinquish their membership at anytime upon written notice to the Tribal Council in which case they shall no longer share in the activities and benefits of this Tribal Association.
D. The individual may be reinstated as a member upon written application filed with the Council providing that a majority vote of the council approves at any regular meeting.

Section 7 Disenrollment/Disapproval of Membership Application

A. Persons hose membership applications are disapproved and persons disenrolled, by recommendation of the Tribal Enrollment Committee, shall have the right and opportunity to be heard and present evidence at a hearing before the Tribal Council.
B. Any member who removes his permanent residence from Wrangell shall no longer be a member and be removed from the Current Membership Roll.
C. A member who is found guilty by the Association of fraud or misconduct in his relations with the Association or of working deliberately against the interests of the Association may be disenrolled by a two-thirds vote of the members present at any regular or special meeting.
D. The disenrolled member may be reinstated as a member upon written application filed with the Council and a two-thirds vote of the members present at any regular meeting.

Section 8 Tribal Enrollment Committee

A. Appointment: The members of the Enrollment Committee shall consist of five (5) adult members whom the Tribal Council appoints. The Enrollment Committee shall consist of members of the community for such terms are deemed appropriate by the Tribal Council.

B. Monthly Meetings: The Enrollment Committee shall meet on the first Tuesday of each month.

C. Duties: The Enrollment Committee shall serve to certify eligibility and to review appeals. Appeals will be considered only if new and relevant facts are presented in writing at least one (1) month prior to the Enrollment Committee meeting.

D. Responsibilities:
   a. The Enrollment Committee shall have primary responsibility for reviewing applications for membership and recommend to the Tribal Council action regarding such applications for their approval and certification of new members.
   b. The Tribal Enrollment Committee is also responsible for insuring the preparation and maintenance of the Tribal Roll.

Section 9 Tribal Enrollment Clerk

The Tribal Council shall appoint an Enrollment Clerk to work with the Tribal Enrollment Committee to do the following:

a. Researching applications for enrollment, reporting on such applications, and preparing and maintaining the work list for review.
b. The Enrollment Clerk shall be responsible for maintaining the official enrollment files for the tribe.
c. Performing such other actions as are appropriate to further the purpose of this ordinance.